HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO.396 OF 2004

M/s Group Construction Company ... Petitioner.

V/s

Shri Ganadhish V.S. Khandeparkar & ors. ... Respondents.

Mr. Rohit Bras De Sa, Advocate for the Petitioner.

CORAM: A.P. LAVANDE, J.

DATE: 31ST MARCH, 2005.

ORAL ORDER.

It is not necessary to issue notice to respondents since the petitioner is aggrieved by an order passed by the Civil Judge Senior Division, Mapusa, whereby he has been called upon to produce originals of all the documents relied upon by the petitioner/plaintiff in support of the suit at the stage of presentation of the plaint.

2. According to Mr. De Sa, the learned Counsel for the Petitioner, the petitioner who is the plaintiff in special civil suit filed before Civil Judge Senior Division, Mapusa has relied upon number of documents. The learned Civil Judge Senior Division, Mapusa has called upon the petitioner/plaintiff to remove office

objections by producing the origionals of the documents. According to Mr. De Sa, the petitioner/plaintiff is in possession of the following original documents as mentioned in his affidavit dated 9.3.2005.

4.	Letter dated 17.07.1997
5.	Letter dated 14.03.1998
6.	Letter dated 25.05.1998
12.	Form I and XIV
13.	Letter dated 12.12.1996
26.	Order dated 31.07.2003
28.	Application to produce the certificate for incorporation dated 07.10.2002 alongwith Memorandum of Association and Certificate from Sub-Registrar.

According to Mr. De Sa the petitioner/plaintiff is willing to produce the originals of only those documents which are in his possession and the petitioner/plaintiff cannot be called upon to produce the originals of the documents which are not in his possession. I find considerable force in the submissions of Mr. De Sa. Accordingly, as stated by the learned counsel the petitioner/plaintiff to produce in the Trial Court the originals of the documents mentioned above which are in possession of the petitioner/plaintiff. In so far as other documents are concerned,

since the petitioner/plaintiff is not in possession of the documents, he will file appropriate application before the Trial Court stating therein as to in whose possession the remaining documents are. Upon production of the original documents as mentioned above and after filing of the application as stated above, the suit shall be registered subject to the petitioner/plaintiff complying with all the necessary requirements for the purpose of registering the suit. The petition stands disposed of in aforesaid terms.

A.P. LAVANDE, J.

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